THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5526 OF 1996

Dated 23rd February 2006

Between:

Panda Abbulu @ Abbayi

…Petitioner

And

The District Collector, East Godavari District,

At Kakinada & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5526 OF 1996

O R D E R:

The petitioner was issued a notice, dated 5.3.1996, under Section 7 of the Andhra Pradesh Land Encroachment Act (for short "the Act", directing him to remove the encroachments on a public road. It was alleged that the petitioner constructed a compound wall, as well as kitchen, by encroaching on the public road. The grievance of the petitioner is that soon after issuing notice under Section 7 of the Act, the respondents started demolishing the disputed structures, without passing any orders under Section 6 of the Act.

In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner deliberately avoided, to receive the notice issued under Section 7 of the Act, and after obtaining interim orders from this Court, he has not submitted any

explanation, even after 10 years.

Heard the learned counsel for the petitioner and learned Government Pleader for Assignment.

The petitioner does not claim any right in the land in question. In all fairness to the petitioner, the respondents have followed the procedure prescribed under the Act, and issued notice under Section 7 of the Act. Instead of submitting explanation to the notice, the petitioner approached this court and obtained order of stay. The petitioner did not choose to submit explanation, for the past 10 years.

When the allegation is that the petitioner encroached in the public path, and is causing obstruction to the traffic, this Court cannot permit the petitioner to stay on the premises, particularly, when proceedings have already been initiated under the Act. The proceedings cannot be interdicted, at this stage.

If the petitioner is a land less poor and deserves to be assigned any house site, he can make an application to the Mandal Revenue Officer, who in turn shall consider the same, as and when house sites are granted to deserving persons, and allot house site to the petitioner, in case he is found eligible.

The writ petition is dismissed, with the above observation. There shall be no order as to costs.

_____

23rd February 2006

PAN